

## REMARKS

### Request to Withdraw Finality

On page 5 of the Office Action, the Examiner alleges that Applicants' amendments necessitated the new ground of rejection. This is not correct. As noted in the response filed January 2008, the claims were amended to correct typographical errors, to remove trade names, clarify and to place them in a format more customary to US patent practice. The new rejections were necessitated only by the inapplicability of the previously cited prior art, not any action by Applicant. All previous rejections were based on Martyak et al. (US. 2004/0092106) which is not effective prior art against the instant application. On page 5 of the Office Action the Examiner provides no response to Applicants' previous arguments merely stating that they are moot in light of new grounds of rejection. Furthermore, the new grounds of rejection are under a different section of the statute, i.e., §102 versus §103, and thus raise new issues not previously addressed.

The new grounds for rejection were clearly not necessitated by Applicant's amendments. As such, the finality of the Office Action must be withdrawn.

### Rejections under 35 USC §102

Claims 1, 4- 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (US. 2005/0042198).

Smith et al. (US 2005/0042198 A1), which relates to contact lens cleaning, is clearly non-analogous art. A skilled worker would not look to contact lens cleaning solutions to find guidance on removing and inhibiting metal contamination from the surface of a semiconductor substrate. Ophthalmology is a vastly different field of endeavor from semiconductor substrates.

Although not necessary for patentability, in the interest of furthering prosecution Claim 1 has been amended. The amount of hydrogen peroxide in a physiological eye solution is very different from the amount of hydrogen peroxide in a solution for removing and inhibiting metal contamination on the surface of a semiconductor substrate.

A skilled worker in ophthalmology would recognize that the concentration of hydrogen

peroxide in an ophthalmic solution must be physiologically compatible with the eye and the contact lens. Such a solution must be pH neutral and essentially isotonic or it would jeopardize the compatibility with an eye and damage the contact lens. Smith discloses hydrogen peroxide in anti-microbial concentrations of about 30 to 200 ppm (i.e. up to 0.02 % by weight). The ophthalmic and contact lens wetting solution of Smith is simply not useful for cleaning semiconductor substrates.

In contrast, the solution according to the present invention is alkaline and free of any contamination by foreign anions to avoid decomposition of hydrogen peroxide and to avoid contamination of the semiconductor substrate, particularly by cations such as sodium and transition metals. This is not possible if an electrolyte like sodium chloride (such as in Smith) is added to the solution. A semiconductor substrate would be contaminated by metals like sodium, which are dangerous in the further processing, and would therefore not be accepted by a semiconductor manufacturer.

Thus, it is respectfully requested that the rejections under 35 USC §102 be withdrawn.

#### **Rejections under 35 USC§103**

Claims 2- 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US. 2005/0042198) and further in view of Gressel et al. (US. 5,209,927). Claims 8- 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashida et al. (US. 5,290,361) in view of Smith et al. (US. 2005/0042198) as in evidence of Kakizawa et al. (US. 6,514,921).

Like Smith et al. (US 2005/0042198 A1) Gressel et al. is non-analogous art, relating also to ophthalmologic solutions. It does not cure the deficiencies of Smith et al. Like Smith et al. Gressel is silent regarding a solution containing 0.3 to 22 % by weight of hydrogen peroxide. As discussed above, such a concentration of hydrogen peroxide in an eye solution would be problematic.

Hayashida et al. teaches a cleaning solution for surface treatment comprising an

alkaline compound such as ammonium hydroxide, hydrogen peroxide, water, chelating additive and a complexing agent such as nitrilotriacetic acid. As the Examiner correctly notes Hayashida et al. (US 5,290,361) does not teach a cleaning solution comprising 2,2-Bis(hydroxyethyl)-(iminotris)-(hydroxymethyl)methane. The Examiner alleges that a skilled worker would be motivated to combine Hayashida et al. and Smith et al. However, as noted above Smith is non-analogous art and a skilled worker would not look to the ophthalmologic arts to solve a problem in cleaning semiconductor substrates without some specific reason related to a problem to be solved.

Kakizawa et al. (US. 6,514,921) is relied upon for its teachings regarding use of a buffer in a semiconductor cleaning solution. However, like Hayashida et al. above, Kakizawa is silent regarding 2,2-Bis-(hydroxyethyl)(iminotris)-(hydroxymethyl)methane [Bis-Tris]. A skilled worker looking to choose a buffer for a semiconductor cleaning solution would not look to non-analogous medical eye arts for guidance.

Thus, based on the above comments it is respectfully requested that the rejection under 35 USC §103 be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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